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June 25, 2007

Re: Comments and Recommendations Regarding the City of San Diego General Plan Conservation Element and related General Plan DEIR

Dear Marilyn,

Thank you for this opportunity to comment on the City of San Diego General Plan. Below are comments and recommendations as they relate to the DEIR, and following that, specific goals and edits to the policies that should be incorporated into the General Plan Conservation Element and Public Facilities Element to ensure that our City's natural resources will be conserved, restored and protected.

COMMENTS AND RECOMMENDATIONS
for the
CITY OF SAN DIEGO GENERAL PLAN UPDATE
DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR)

Table 1.0-1 Summary Table of Significant Impacts and Mitigation Framework to Reduce Effects

Section 3.3 Biological Resources

S-1 Impacts to freshwater stream invertebrates have not been addressed. The San Diego Regional Water Quality Control Board requires biological assessment monitoring reports in NPDES storm water permits, NPDES live stream discharges, and waste discharge requirements permits[1]. This information is also useful to evaluate the best management practices used to mitigate impaired water bodies.[2] The report by Isham[3] shows that benthic invertebrates in urbanized streams of San Diego County are in poor condition.

[1] San Diego Regional Water Quality Control Board, *Ambient Biological Assessment Monitoring Program for Inland Surface Water* http://www.waterboards.ca.gov/sandiego/programs/bioassessment.html
[2] Gibson, Dave, *Bioassessment and Biocriteria for Natural Resource Managers and Citizen Monitoring Groups* *http://www.waterboards.ca.gov/sandiego/programs/bioassess/1%20bioassessment%20training%20presentation%2009-27-02.pdf*

S-1 No specific projects or actions have been identified with the Draft General Plan that would result in any direct or indirect physical change in the environment. Biological Assessments which are a part of the City's NPDES storm water permit are prepared annually and submitted to the Regional Water Quality Control Board (RWQCB) as part of the City's Annual Report. Future development and redevelopment projects associated with the implementation of the General Plan would be subject to the City's Storm Water Standards. Projects which have the potential to impact downstream resources, which includes freshwater stream invertebrates, would be analyzed on a case-by-case basis, and may entail the preparation of a Biological Assessment or Biological Technical Report. These reports would analyze the effects of development at the project level and information would be disclosed within the appropriate CEQA document.

Section 3.7 Hydrology

S-2 Enforce provisions of the Municipal Separate Storm Sewer Systems Permit, R9-2007-0001 (MS4)[4] to prevent erosion and sediment pollution of streams and rivers. This latest permit contains modifications to the Jurisdictional Urban Runoff Management Plan and Watershed Urban Management Plan and a new Regional Watershed Management Plan to reduce discharges of pollutants in urban runoff to the maximum extent practicable and achieve water quality standards.

Section 3.14 Public Utilities

Mitigation measures:

S-3 • Upgrade Pt. Loma Wastewater Treatment Plant from advanced primary to secondary treatment.

S-4 • Reduce flow of wastewater discharge into the ocean and thereby reduce impacts to the marine environment by implementing wastewater recycling recommendations in the City Water Reuse Study[5] for non-potable reuse and indirect potable reuse (reservoir augmentation).

S-5 • Offset the need to import additional water and seawater desalination through water conservation and plus water recycling recommendations in the Water Reuse Study. The combined recycling capacity of the North City and South Bay Water Reclamation Plants is 45 million gallons per day (MGD) of tertiary treated water. The market for tertiary treated water (non-potable) is primarily irrigation and is seasonal. The Water Reuse Study shows that a combination of non-potable and indirect potable reuse more fully uses the capacity of these reclamation plants. Using a conservative combination of 30 MGD would provide 30,400 acre-feet (AF) per year. Adding the City water conservation plan water of 46,000 AF in year 2030 provides 76,400 AF.

Section 3.17 Water Quality

S-6 3.17.1 Existing Conditions. Table 3.17-1 lists the 303(d) impaired water bodies. However, the DEIR does not discuss the Total Maximum Daily Load (TMDL) programs that are being implemented or will be in the near future and their impacts on the General Plan.

Mitigation measures:

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[3] Isham, Bill , *Freshwater Stream Invertebrates: Response to Water Quality Impairment and Physical Habitat Alteration*, Technical Paper # 0508,Weston Solutions, Inc, http://www.westonsolutions.com/about/news_pubs/tech_papers/0508_Isham_Freshwater.pdf

[4] San Diego Regional Water Quality Control Board (1), San Diego County Municipal Storm Water Permit http://www.waterboards.ca.gov/sandiego/programs/sd_stormwater.html approved Jan 24, 2007

[5] City of San Diego Water Reuse Study Final Draft Report March 2006, http://www.sandiego.gov/water/waterreusestudy/involvement/fd2006.shtml

S-2 The City enforces the Municipal Separate Storm Sewer Systems Permit as required by law. See the Regulatory Setting the Water Quality section, pages 3.17-3 through 3.17-4, for a description of the applicable federal, state and local laws related to this subject.

S-3 From a General Plan policy perspective, this measure is premature; the City has not made a decision regarding the future of the Point Loma Wastewater Treatment Plant. The Point Loma plant currently operates at an Advanced Primary Treatment level as allowed by the Environmental Protection Agency. By December of this year, the City will decide whether to pursue a continuation of its agreement with the EPA or forgo that legally permissible opportunity and instead voluntarily begin upgrading the Point Loma plant to a Secondary Treatment level. Mayor Sanders has convened a scientific panel to help him determine whether or not ratepayers and the environment are better served by maintaining the current treatment protocols or by changing the wastewater treatment protocols.

S-4 The City of San Diego currently provides recycled water to nearly 400 retail meter connections and three wholesale connections including the city of Poway, the Olivenhain Municipal Water District and the Otay Water District. The average daily beneficial reuse is currently ten million gallons per day. Due to budget constraints the program has limited resources to expand beyond the current distribution system configuration. Thus marketing efforts are targeting in-fill customers that are located close to existing distribution lines and are currently using potable water for non-potable purposes (irrigation, industrial processes and commercial cooling towers). Implementation of the recommendations outlined in the Water Reuse Study requires further analysis and outreach efforts with citizens and stakeholder groups. It is anticipated that said analysis and outreach will be conducted over the next 2-3 years in an effort to determine the optimal alternatives and strategies.

S-5 The City of San Diego's Water Conservation Program reduces

water demand through promoting or providing incentives for the installation of hardware that provides permanent water savings, and by providing services and information to help San Diegans become more knowledgeable about the reasons they should reduce their water use and the ways they can do it.

S-6 Comment noted. The TMDL regulations are subject to ongoing review by the Water Quality Control Board and will change over time. The current and the pending regulations can be found at http://www.waterboards.ca.gov/sandiego/tmdls/tmdl.html.

- Pollution prevention should be highest priority. Identify potential sources of pollutants and enforce discharge permits to prevent pollutants from entering the surface and ground water resources.
- Develop and implement integrated pest management (IPM) for City owned landscaping and
- Promote IPM for general public and landscaping contractors
- Require low impact development[6] (LID)
- Implement and enforce MS4 including erosion control methods
- Address emerging pollutants of concern[7] including endocrine disruptors that can enter waste water and potable water supplies. Assess their environmental and human health impacts and mitigation measures to reduce effects

S-7

S-8 **Energy.** The DEIR fails to address potentially significant energy impacts and mitigation framework to reduce energy as required in CEQA[8].

COMMENTS AND RECOMMENDATIONS
for the
CITY OF SAN DIEGO GENERAL PLAN UPDATE
CONSERVATION ELEMENT
and
PUBLIC FACILITIES, SERVICES AND SAFETY ELEMENT

The following policy recommendations and improvements for the Conservation Element would help reduce the project impacts identified in the DEIR as well as reduce impacts that are not identified in the DEIR.

NOTE: New, recommended policy language is underlined.
Minor edits of City-proposed policies use standard edit annotation such as ~~strikethrough~~ and alternate recommended language is both ***bolded and italicized.***

Sustainable Development

S-9 1) RECOMMENDATION: Page CE-7, policy CE-A.8.f. Please add the ***bold/italicized*** wording as follows: *Incorporate existing mature trees and* ***native*** *vegetation into site designs.*

S-10 2) RECOMMENDATION: Page CE-7, policy CE-A.8. Add a policy stating: Use native, drought-tolerant plants that reduce the need for pruning thereby reducing green waste loads on

[6] USEPA Low impact Development Page http://www.epa.gov/nps/lid/
[7] Daughton, Christian, *Non-regulated Water Contaminants: emerging research,* Environmental Assessment Review, 24(2004) 711-732 http://www.epa.gov/esd/chemistry/pharma/images/EIAR.pdf
[8] California Resources Agency http://ceres.ca.gov/topic/env_law/ceqa/guidelines/pdf/appen_f.pdf CEQA Guidelines Appendix F Energy Conservation

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S-7 It should be noted that adherence to and enforcement of existing regulations is a legal requirement and, therefore, is not considered CEQA mitigation.

S-8 Energy impacts are addressed under Public Utilities in Section 3.14.3 of the PEIR, which states that "implementation of the Plan has the potential to result in impacts to energy supply due to the planned growth and the potential for additional growth that could occur from subsequent community plan updates." The City provides an energy conservation program in the Environmental Services Department and is taking a leadership role in efforts to conserve energy and reduce greenhouse gas emissions. The Environmental Services Department also provides consultation within and outside the City on energy conservation and sustainability, and provides incentives for sustainable projects under the City Council's Sustainable Building Policy 900-14. The Sustainable Buildings Expedite Program provides expedited permit processing for sustainable buildings that would utilize alternative energy resources and technologies such as photo voltaics to generate up to 100 percent of the electricity needed by the building and its occupants. The PEIR energy impact analysis concluded that "General Plan policies and City programs would aid in reducing adverse energy impacts, but the projected population growth in the City would result in an increased demand for energy." Potential construction and other impacts for development of new energy sources are not known at this PEIR level of analysis and, therefore, there remains a potential for significant unavoidable impacts.

Note: Comments S-9 through S-46 do not address this environmental document. Rather they are recommendations for revisions to the General Plan. While no response to these comments is required by CEQA, staff has provided the following information as a courtesy.

S-9 If this recommendation is intended as a mitigation measure for energy impacts, it is not clear why it is necessary to landscape specifically with native species to reduce energy consumption. Any drought-tolerant landscaping (which can include both of the above) reduces water consumption, which does reduce the amount of energy for water transportation. This measure is one that can be used, as appropriate, to mitigate project-specific impacts in subsequent environmental documents.

In general it is recommended that native species and drought tolerant plants be used in landscape design. This reduces the need and/or amount of irrigation required. There are potential conflicts with regard to fire fuel load and the use of irrigation. Zone One brush management areas are required to be irrigated and non-flammable vegetation which seems to preclude the use of many natives. Additionally, allowing owners (or multiple adjacent owners) to plant large areas with natives could result in creating fire fuel areas.

S-10 Pruning of plant materials will continue to occur as required in both Zone 1 & 2 brush management zones.

As this measure applies to potential project impacts for development under the proposed General Plan, it has a tentative connection to several issue areas. Native, drought tolerant landscaping does often reduce the amount of green waste generated and is sometimes an appropriate measure to reduce solid waste. However, another approach would be to address the issue from a "Right Plant, Right Place" angle. If designers chose plants that would normally grow to the mature expected height there would be less need to prune so heavily. For example, don't plant a five-foot-high plant that must be trimmed to keep it 30-inches high or select a tree that grows to 30 feet and expect to trim it to keep it at a height of 15 feet.

Green waste is sometimes composted onsite, other times it is collected for use in the City’s composting operation, but sometimes it ends up in the mixed waste stream. Producing less

yard waste may potentially produce less traffic in transporting it, and also less material that inadvertently ends up in landfills. Traffic and landfills consume fuel, thus this measure has a very distant relationship to energy consumption. However, reducing traffic can be better accomplished by way of the growth patterns the General Plan is proposing.

the landfills and composting facilities. This also reduces the energy required for pruning and processing the green waste for composting.

S-11 3) RECOMMENDATION: Page CE-7. Add a policy stating: Minimize or eliminate building materials that contain toxic substances such as zinc and copper, which through normal wear can enter the storm water system and pollute the surface waters.

Open Space and Landform Preservation

4) Page CE-9. The first paragraph states that "*The City's Environmentally Sensitive Lands (ESL) regulations help protect, preserve, and restore lands containing steep hillsides….*"

S-12 This is unfortunately only partially true. With increasing frequency, citizens are startled to see development occurring on the steep slopes of the canyons and they wonder what happened to intended protections of the Hillside Review Ordinance and Hillside Protection Overlay zone. The answer is that these protections were eliminated during the 2000 Code update and replaced with the current "*steep hillside*" definition. This definition has a loophole that is allowing unnecessary destruction of steep hillsides in places where they have contributed to our unique land form and quality of life for centuries. This is due to minor incidental disturbance of the steep slopes that occurred years ago when building pads were graded for surrounding development above the slopes. These steep hillsides are now being encroached upon with expanded development, and the encroachment is being permitted because there is a shallow layer of fill dirt lying on top of the steep slopes and the gradient is not considered "natural"… despite the fact that their current gradient is still steep by definition and, for all practical purposes, the same as it had been for centuries. The definition reads:

"Steep hillsides means all lands that have a slope with a natural gradient of 25 percent (4 feet of horizontal distance for every 1 foot of vertical distance) or greater and a minimum elevation differential of 50 feet, or a natural gradient of 200 percent (1 foot of horizontal distance for every 2 feet of vertical distance) or greater and a minimum elevation differential of 10 feet.

About 3-4 years ago the City's Natural Resources and Culture Committee directed staff to make recommendations to resolve this definition problem. The environmental community recommended a simple fix of the definition but staff embarked on a time-consuming mapping solution that has been shelved for some time due to other priorities, we are told.

S-13 RECOMMENDATION: Page CE-9, please add a policy to: "Amend the ESL steep hillside definition to protect steep hillsides that still have the qualifying steep gradient, (greater than 25% slope etc.), despite incidental impacts from surrounding development (such as a layer of fill dirt on top of the steep hillsides)." This could be an interim step while any labor-intensive mapping solution is developed by staff over the coming years.

S-14 5) RECOMMENDATION: Page CE-11, policy CE-B.4. Please add: "During redevelopment, provide incentives for increased storm water retention on site, beyond the minimum requirement, to reduce the amount of erosive runoff flowing through the canyons."

S-11 Using less toxic substances not only helps with runoff issues, as the commenter mentions, it also makes disposal of left over and demolition materials less problematic. The City's Miramar Landfill currently accepts certain materials, such as non-friable asbestos, but other materials cannot be accepted at Miramar, and instead must be transported to more distant hazardous waste landfills. The content of consumer products is not something that is usually under the control of individual developers. Where there is a choice, appropriate materials are encouraged. The more effective strategy, however, is appropriate regulation of manufacturing facilities, requiring safer products through state and federal legislation.

S-12 Preparation and adoption of the Land Development Code (effective date 2000), was based upon extensive public participation consensus in both the drafting of the regulations and the public hearing process. Development of the Environmentally Sensitive Lands Ordinance (ESL) was an important component of that multi year effort and every effort was made to draft language to ensure protection of the overall quality of environmentally sensitive lands, including its natural and topographic character.

S-13 City staff has recommended that amendments to ESL to revise the steep slopes definition be addressed more specifically at the community plan level as part of the community plan update program currently in process.

S-14 The General Plan is an overall policy document and does not list all of the measures employed or to be employed by the City to manage storm water impacts. It is anticipated that additional incentives and programs such as that suggested will be incorporated as part of the City's Storm Water Program in the future.

6) Page CE-8 states: *"1972 – the City amended the charter to establish the Environmental Growth Fund, two thirds of which could be used as debt service for bond issuance to acquire, improve, and maintain open space for park or recreational purposes."*

S-15 RECOMMENDATION: Under policies CE-B.1, please add a policy stating: "Use the Environmental Growth Fund to conduct research and develop plans and implement methods to reduce erosion and invasive plant species in canyons and other natural habitats, and otherwise help maintain natural habitats."

7) Page CE-9, policy CE-B.1. states: "*Protect and conserve the landforms and open spaces that: define the City's urban form; provide public views/vistas; serve as core biological areas and wildlife linkages; are wetlands habitats; provide buffers within and between communities, or provide outdoor recreational opportunities.*"

We find that many impacts to open space habitat areas are not properly restored to functional native habitat and that the City's restoration guidelines lack criteria that establish a certain level of performance for restoration practices.

S-16 RECOMMENDATION: Add a policy to: "Amend the restoration standards to include determination of success criteria."

8) Page CE-9, policy CE-B. We also find that the current policy that recommends "native or drought tolerant" vegetation allows a large loss of native habitat, as natural areas are graded and then replanted with vegetation that has little habitat value for local animals. San Diego County currently has several native plant nurseries, and sourcing the material for large re-vegetation projects is not as difficult as before.

S-17 RECOMMENDATION: Add a policy: "Mitigation for project impacts require the re-vegetation of temporarily impacted, graded areas with the original native vegetation."

S-18 9) RECOMMENDATION: Page CE-9, policy CE-B.1.c. Please add the following underlined sentence to precede the City's proposed policy, so that it is amended to read: "Protect and conserve city-owned canyon lands. *Protect community urban canyons and other important open spaces that have been designated in community plans for the many conservation benefits they offer locally, and regionally as part of a collective citywide open space system.....*"

10) Page CE-11, policy CE-B.1.d. states: "*Minimize or avoid impacts to canyons and other environmentally sensitive lands, by relocating sewer infrastructure out of these areas where possible, minimizing construction of new sewer access roads into these areas, and redirection of sewage discharge away from canyons and other environmentally sensitive lands.*"

In the 4-5 years of implementing the recommendations of the Canyon-Sewer Maintenance Task Force (adopted 2002), very few sewer lines have been recommended for relocation out of canyons. Permanent access roads through the canyons have been recommended in areas where the existing roads have removed rooted vegetation and destabilized the creek beds, and massive erosion of canyon floors has ensued. The narrow strips of riparian woodland/wetlands in the

S-15 The Environmental Growth Fund has stipulations as to how these funds may be used. Policy CE-B.1a., has been revised to read "Utilize Environmental Growth Funds and pursue additional funding for the acquisition……."

S-16 Success criteria are required as part of project level restoration plans; and the determination of achievement is made based upon habitat type in coordination with the City's Mitigation Monitoring and Coordination Section (MMC), Environmental Analysis Section (EAS), and the wildlife resource agencies. At the program level, it is not appropriate or feasible to articulate a specific quantitative or numeric performance standard.

S-17 Mitigation consisting of re-vegetation for impacts to habitat requires the submittal of a restoration plan to be reviewed and approved by EAS and, in most cases, Multiple Species Conservation Program (MSCP) staff. The City's Biological Resource Guidelines require that habitat revegetation consist of equal or better habitat than that impacted. A no net loss of habitat would result with the implementation of these City guidelines.

S-18 Policy CE-B.1c addresses both City fee-owned open space and private property that has been conserved in easements for open space purposes or is community plan designated open space. Protection and conservation of City fee-owned canyons is accomplished through dedication as identified in Policy CE-B.1f. To add the proposed language would put limits on this policy and not include all types of open space lands.

floors of our canyons are critically important for species conservation, flood and erosion control, and water and air filtration. This narrow corridor of important green-infrastructure cannot deliver all these values and accommodate the sewer and storm water flows of the city, and the access roads right along the streams all at the same time.

S-19 RECOMMENDATION: Please add: "Amend the criteria and financial formula for the decision-making process when considering permanent sewer access roads in order to increase the level of redirection of sewer flows out of the canyons."

S-20 11) RECOMMENDATION: Page CE-11, policy CE-B.1.e. Please edit as follows: "~~Encourage~~ ***Develop and implement plans for*** *the removal of invasive plant species and the planting of native plants near open space preserves."*

12) Page CE-11, policy CE-B.2. reads: "*Apply the appropriate zoning and Environmentally Sensitive Lands (ESL) regulations to limit development of floodplains, sensitive biological areas including wetlands, steep hillsides, canyons, and coastal lands.*"

S-21 RECOMMENDATION: Please add: "Where needed, amend the ESL regulations to strengthen protection of these natural resource areas."

S-22 13) Page CE-11, policy CE-B.2.a. reads: "*Manage watersheds and regulate floodplains to reduce disruption of natural systems, including the flow of sand to the beaches."*

RECOMMENDATION: Please add: "Where possible and practical, restore natural floodplains and stream corridors to restore water filtration, flood and erosion control, biodiversity and sand replenishment benefits."

S-23 14) RECOMMENDATION: Page CE-11, policy CE-B.2.b. Please edit as follows: *"Limit grading and alterations of steep hillsides, cliffs and shoreline to* ***~~minimize~~ prevent increased*** *erosion and minimize landform impacts."*

Coastal Resources

S-24 15) RECOMMENDATION: Under "Coastal" on page CE-15, add a policy to: "Require landscaping to use local native plant species on coastal bluffs to avoid water seepage from irrigated landscaping that accelerates bluff erosion and cliff failure."

16) As ocean levels rise over the coming decades, coastal cliff/bluff erosion will accelerate prompting development of sea walls and coastal armoring to protect buildings sitting on the top of these coastal bluffs. Such structures will retard the natural shoreline retreat process and the beaches will become narrow and gradually be engulfed by the ocean.

S-25 RECOMMENDATION: Under Coastal on page CE-15, add a policy to: "Develop and implement requirements for planned retreat of structures along the shoreline so that beaches don't disappear due to coastal armoring."

S-19 Planning for management of sewer facilities located in canyons and the redirection of sewage discharge away from canyons are governed by Council Policies 400-13 and 400-14. Any changes to the criteria or financial formula contained in these policies will require review and approval of the City Council and will need to weigh the environmental benefit versus the additional financial costs to the City and individual property owners in the case of private pump stations. No additional language is needed in the General Plan. If the Council is interested in reviewing their policy they can do so, without it being dictated by the General Plan.

S-20 This policy applies to private development adjacent to open space preserves and is already implemented through Municipal Code Section 142.0403 General Planting and Irrigation Requirements, which states that invasive plant species must be removed when "surrounding environmental conditions provides a means for the species to invade other areas of native plant material that are on or off the *premises.*" This section of the code also requires the use of native and naturalizing plant material for revegetation when adjacent to natural habitats.

S-21 See response to comment S-13.

S-22 See response to comments S-12 and S-13.

S-23 While it is the intent of the General Plan to protect the City's resources, it is not always possible to prevent all construction-related effects. All projects must adhere to the Storm Water Standards which includes measures to preclude erosion to the extent feasible.

S-24 Within the City's Land Development Manual Coastal Bluffs and Beaches Guidelines, there is a section that deals with Irrigation on Coastal Bluffs (143.0143(c)). It directs that plant material used on or adjacent to coastal bluffs shall be native or naturalized to

minimize the need for irrigation beyond initial plant establishment. Permanent irrigation is not permitted on coastal bluffs. Temporary irrigation, consisting of drip and/or microsprayers may be permitted on a case-by-case basis as necessary to establish plants. Irrigation must be removed upon plan establishment.

S-25 While staff understands the concern, such a recommendation is under the purview of the California Coastal Commission. Considerable funding and planning would be required prior to the implementation of such a recommendation.

S-26 17) RECOMMENDATION: Page CE-16, policy CE-C.10. Revise to read: "Promote the recovery of the declining fish stocks to assure the sustainability of local fishing. This effort involves combined efforts of the U.S. Fish and Wildlife Service, California Department of Fish and Game, marine biologists, and local fishing and coastal-related industry representatives."

S-27 18) RECOMMENDATION: Page CE-16, policy CE-C. Add a policy stating: "High water quality is necessary for a healthy marine environment. Provide the resources needed to assure that waste water discharges into the marine environment from point and non-point source meet the water quality standards."

Water Resources Management

S-28 19) COMMENT: Page CE-17, policy CE-D.1. Water conservation and efficient use of water must be aggressively pursued. This element is vague and lacks specific targets. The Pacific Institute report provides a high- efficiency scenario in which water use in California can be below 20 percent of year 2000[9] levels. This can be accomplished without any new inventions. It requires statewide actions from legislators, water managers, water districts and agencies, farmers, corporations, and individuals.

S-29 20) Page CE-18, policy CE-D.1.c. We do not believe that desalinated seawater is necessary to provide a new source of water because the combination of water conservation, desalinated brackish water, and waste water reuse can provide the projected water demands. Desalinating seawater is highly energy intensive, harmful to the marine ecosystems, and requires use of precious coastal land resources. By comparison, these environmental impacts are significantly less for desalinating brackish water.

S-30 RECOMMENDATION: Revise policy CE-D.1.c. to read: "Participate in advanced water treatment processes to provide water supplies from sources such as brackish groundwater, storm water, and municipal waste water."

S-31 21) RECOMMENDATION: Page CE-18, policy CE-D.1.d., revise to read: "To help offset the need for imported water and desalinated seawater, emphasize and refine recycled water programs, namely the City's Water Reuse Study for non-potable and indirect-potable use."

S-32 22) RECOMMENDATION: Page CE-18, policy CE-D.1.f. Delete this policy as it is contradictory. On the one hand, it advocates more supply from water transfers; it then states that this is an element of an integrated water conservation strategy.

S-33 23) COMMENT: Page CE-18, policy CE-D.1.g. This and the prior policy on water transfers are dubious. Cost-effectiveness is not defined. The climate change can have significant impacts on the reliability, water quality, and energy costs of water. Water transfers must not be in violation of the endangered species act. On the endangered species issue, there have been two court rulings on the massive Delta pumps that deliver water to Southern California. The first was in

[9] Gleick, Peter, et al, *California Water 2030: An Efficient Future*, Pacific Institute, Oakland California, Sept. 2005 http://www.pacinst.org/reports/california_water_2030/index.htm

S-26 This policy is directed towards the fishing industry's economic viability. The suggested revision would redirect the policy towards biological diversity and coordination with state and federal wildlife resource agencies. The suggested revision is more appropriately addressed in an action plan or other City program, and has been forwarded to the appropriate staff.

S-27 The Storm Water Program continues to evaluate the feasibility of meeting Water Quality Standards for all pollutants in all storm conditions. For example, the City may not be able to achieve water quality standards for copper or pesticides in all watersheds while the state and federal governments continue to register these products (i.e., copper in brake pads) for legal use. Moreover, existing water quality standards apply regardless of storm conditions and many require treatment and/or infiltration. It may not be feasible to build treatment and/or infiltration facilities with a capacity great enough to handle very large storms. Finally, the water quality standards were developed with the Basin Plan in the 1970s and relate to the "beneficial uses" ascribed to various watersheds and their tributaries.

S-28 CE-D1 is a general policy statement that provides general direction. For details and specifics regarding current and planned conservation programs (including programs implemented in cooperation and under the guidance of other stakeholders) Refer to the *Long-Range Water Resources Plan (2002-2030)* and the *2005 City of San Diego Urban Water Management Plan.* These documents are available at the City Clerks' office, the Water Department offices and are available for download at the City's Water Department website (http://www.sandiego.gov/water).

It should also be noted that one purpose of the City's Landscape Regulations is "to conserve water through low-water-using planting and irrigation design" (see San Diego Municipal Code §142.0401). The landscape regulations promote water conservation by limiting lawn areas and requiring drought-tolerant species and efficient irrigation design. For example, the landscape

regulations require lawn areas to not exceed ten percent of the planting area on a premise (excluding required common areas and active recreation areas). The regulations also require that all permanent re-vegetation utilize native, naturalized, or drought tolerant plant materials. Further, no irrigation runoff or overspray is permitted to cross paved areas and an approved rain sensor shutoff device must be installed on all irrigation systems.

S-29 In terms of water supply portfolios, the City Council adopted the *Long-Range Water Resources Plan (2002-2030)* in 2002. The Plan outlines a decision-making framework for evaluating water supply options. The Long-Range Plan identified water conservation, water recycling, groundwater desalination, groundwater storage, ocean desalination, marine transport, water transfers, and imported supply from the Water Authority and Metropolitan as potential near term and long term supplies.
As outlined in the Long-Range Plan, seawater desalination remains a potential source of reliable water supplies for the San Diego region. It would be imprudent for the City of San Diego to remove this potential supply source from consideration as an option altogether. However, the City of San Diego continues to evaluate the merits of any individual water supply project in terms of need, overall costs (including capital improvements, operational and maintenance costs), feasibility, and impacts to the environment.

S-30 Comment noted.

S-31 As noted under S-5 above, implementation of the recommendations outlined in the Water Reuse Study requires further analysis and outreach efforts with citizens and stakeholder groups. It is anticipated that said analysis and outreach will be conducted over the next 2-3 years in an effort to determine the optimal alternatives and strategies.

S-32 The policy will be revised to read as follows: Pursue water transfers and other cost-effective ways to increase reliable supplies with minimal environmental effects, where it benefits the City, to help achieve a balanced, safe and reliable water supply strategy.

March 22, 2007 by an Alameda Superior Court judge[10]. The second came on May 25, 2007 by a Federal court judge in Fresno.[11] Ongoing scientific studies are showing a dramatic plunge in the Delta smelt an endangered fish species[12]. In an unprecedented move, the State Department of Water Resources on May 31 shut down the pumps for a short period of time, though not enough to cause immediate water shortages[13]. However, unless the larger issues of the Delta water management and associated ecological issues are resolved, pump shut-downs can be expected to occur in the future.

S-34 The above water management section focuses on external use of water and does not adequately address internal water conservation measures. While internal water conservation measures such as ultra-low flow toilets and low-flow shower heads are nearing market saturation, there still is a need to continue a public outreach for high-efficiency clothes washers until this market is saturated. There is also a need to educate the public on wise water use.

Urban Runoff Management

S-35 24) RECOMMENDATION: Page CE-20. The discussion section should be updated to include the provisions of the latest MS4 permit. Specifically, this is the requirement for Low Impact Development (LID) in the development planning process[14]. There are a number of sources explaining LID. EPA has an index of LID references[15].

S-36 25) RECOMMENDATION: Page CE-24, policy CE-E.2.f. Please edit to read: *"Avoid development of areas particularly susceptible to erosion and sediment loss (e.g., steep slopes) and, where* ***impacts are*** *unavoidable, enforce regulations that minimize those impacts."*

S-37 26) RECOMMENDATION: Page CE-25, policy CE-E.6. Please add a policy to: "Increase and promote the provision of large item waste recycling facilities and drop-off locations for electronics, tires, construction debris, etc."

S-38 27) RECOMMENDATION: Page CE-25, policy CE-E.6. Please add a policy to: "Increase enforcement of waste disposal regulations."

Biological Diversity

S-39 28) RECOMMENDATION: Page CE-29, in the Discussion section, paragraph 3, please amend the sentence to read: "*The purpose of the MSCP is to preserve a network of habitat and open*

[10] Taugher, Mike, *Judge's ultimatum on delta pumps*, San Jose Mercury News 4/19/07 http://www.mercurynews.com/localnewsheadlines/ci_5701604
[11] Taugher, Mike, *Delta pump violates endangered species laws, judge rules*, Contra Costa Times 5/25/07 http://www.contracostatimes.com/news/ci_5988989
[12] Taugher, Mike, *Scientists Call for water cuts as Delta fish heads for extinction.* Contra Costa Times 5/22/07 http://www.contracostatimes.com/news/ci_5961818
[13] Taugher, Mike, *State cuts of pumps: unprecedented move to save smelt*, Contra Costa Times, 6/01/07 http://www.contracostatimes.com/news/ci_6036676
[14] RWQCB Order R9-2007-0001 page 7
[15] USEPA *Low- Impact Development Page* , http://www.epa.gov/nps/lid/

S-33-34 As noted in the *2005 City of San Diego Urban Water Management Plan, w*ater transfers are defined as voluntary, market-based exchanges of water from willing sellers to willing buyers. It is estimated that agriculture uses 80 percent of California's water supply while urban customers use 20 percent. During the past decades, several landmark long-term water transfers from agriculture to urban customers have been accomplished that are considered beneficial to both parties. In 2003, the Imperial Irrigation District agreed to sell conserved water to the Water Authority. This is a 75-year agreement that will, over time, provide 200,000 AF of water to the Water Authority and its member agencies. Water transfers, where determined to be cost effective and feasible from an environmental stewardship perspective, may provide a viable water supply option to improve supply reliability within the region.

In regard to cost effectiveness: The Long-Range Plan provides a preliminary evaluation of different water supply portfolios based on eight criteria measures including cost minimization, environmental impact and maximum flexibility. Cost effectiveness provides a quantitative measure that generally takes into account initial capital outlay as well as long term operation and maintenance expenses. The General Plan should include all possible options that have the potential to benefit the City and the citizens, and these options will eventually be thoroughly reviewed and assessed using such considerations mentioned by the Sierra Club.

The Water Department agrees on the need to further educate the public on wise water use practices. A policy to reflect this need will be added to the Conservation Element.

The City of San Diego Water Department (in partnership with the County Water Authority) participates in the High-Efficiency Clothes Washer (HEW) Voucher Program. The HEW voucher program provides a point-of-purchase discount of $125 off the cost of a new qualifying HEW. These machines use 40 percent less water and 60 percent less energy per load than standard top-loading machines.

Currently, San Diego Gas and Electric (SDG&E) also provides a $35.00- $75.00 incentive for HEWs, thereby increasing the total incentive for City customers up to $200.00. The City is committed to continue to pursue ways to fund similar programs until the market is saturated as noted by the comment.

S-35 The new MS4 permit was adopted on January 24, 2007, has a five year term, and most provisions will become effective on January 24, 2008. The complete permit can be found at: http://www.waterboards.ca.gov/sandiego/programs/sd_stormwater.html, and sections pertaining to development and LID begin on page 16.

S-36 Staff believes that the policy as written adequately addresses the issue of erosion and sediment loss.

S-37 Currently, the City provides a large item drop off for certain materials at its Miramar Landfill, and the private sector provides many construction and demolition debris recycling facilities. The City's Environmental Services Department provides public outreach on this topic, and plans changes and expansions to the existing program.

S-38 The Environmental Services Department currently provides code compliance of waste disposal regulations. If the commenter has specific recommendations for how the program should be modified, she may contact that department.

S-39 Comment noted. The Implementing Agreement by and between the United States Fish and Wildlife Service, the California Department of Fish and Game, and the City of San Diego requires that implementation of the MSCP Subarea Plan comply with provisions of the ESA in regards to Take and Incidental Take of covered species of which species recovery is a component; however, the commenter is incorrect in stating the MSCP's "purpose" is to comply with species recovery.

space ***and to comply with the "species recovery" requirements of the federal Endangered Species Act."***

29) A federal judge has ruled that we are not meeting the requirements of the Endangered Species Act with respect to seven vernal pool species.

S-40 RECOMMENDATION: Page CE-30. Edit first paragraph, to read: "*The MSCP, and the associated sub-area plans,* ***seek to meets*** *the requirements of the federal Endangered Species Act and the California Natural Community Conservation Program.*"

30) RECOMMENDATION: Page CE-30, under policy CE-G.1. Add a policy as follows:
S-41 "Amend the ESL to comply with Endangered Species Act requirements with respect to all vernal pool species."

31) Page CE-30, policy CE-G.4. reads: "*Consider important ecological resources when determining where to apply floodplain regulations and development guidelines.*"

S-42 This policy seems to suggest that there are places in the floodplains where floodplain regulations and development guidelines do not need to be applied!

RECOMMENDATION: Rewrite this policy to read: "Protect important ecological resources in the floodplains with strict application of floodplain regulations and development guidelines."

Wetlands

32) Currently, our City regulations and mitigation requirements are more protective of our unique wetland habitats than state or federal regulations. Agency regulations for resources such as wetlands change from time to time. Given the now common knowledge about the critically important resource values and green infrastructure values that wetland habitats provide, our policy should be to enforce the most protective regulation for their conservation.

S-43 RECOMMENDATION: Page CE-32, policy CE-H.8. Please edit the policy to read as follows: "***Implement an "avoidance first" policy and where wetlands impacts absolutely cannot be avoided,*** *implement a "no net loss* ***of wetlands acreage*** *" approach* ***in addition to other mitigation requirements*** *to* ***achieve*** *wetlands conservation in accordance with* ***all city,*** *state, and federal regulations."*

Agricultural Resources

33) Pesticides and fertilizers from agricultural operations are a major source of pollution into nearby rivers and creeks. A strip of grassy swale can only do so much to alleviate the nutrient load. Often crops are planted immediately adjacent to the banks of the streams. A healthy riparian wetland corridor in a 40' – 50' zone along the streambed would help significantly to filter agricultural pollutants before the runoff reaches the stream and subsequently the coastal waters.

S-40 The suggested revision was made to the last paragraph of the General Plan Conservation Element Section G discussion.

S-41 Amendments to the Environmentally Sensitive Lands (ESL) Regulations would require an amendment to the Land Development Code and additional CEQA review. Such action is not within the purview of the General Plan Update and this Program EIR.

S-42 FEMA floodways and floodplains are reviewed on a project level basis. Flood hazard regulations apply to those areas of potential effect.

S-43 An "avoidance first" approach is currently implemented as part of the Land Development Code. The ESL regulations of the Land Development Code apply to areas containing sensitive biological resources, particularly wetlands. The regulation states that "impacts to wetlands, in naturally occurring complexes shall be avoided." In addition, the ESL regulations, and the Biology Guidelines require mitigation for impacts associated with a deviation to this regulation to achieve the goal of no-net-loss and retain the in-kind functions and values of the wetland.

S-44 RECOMMENDATION: Page CE-40, policy CE-L.5. Please add the following policy: "Require a natural riparian wetland buffer of 40' minimum along a river or creek bed on City-owned agricultural lands to filter agricultural pollutants before the runoff reaches the stream. Provide incentives to encourage a natural riparian wetland buffer of 40' along a river or creek bed on privately owned agricultural lands to filter agricultural pollutants before the runoff reaches the stream."

Environmental Education

S-45 34) RECOMMENDATION: Page 45, policy CE-N.1. Please add a policy as follows: "Encourage and support incorporation of environment-based education in public and private schools to meet standard curriculum requirements at appropriate grade levels and according to adopted state legislation (AB 1458) the "Education and the Environment Initiative", adopted in 2003. Where appropriate and while protecting the natural habitats, utilize San Diego's natural open spaces, such as our urban canyons, as nature classrooms for youth programs and in conjunction with environment-based education."

PUBLIC FACILITIES, SERVICES, AND SAFETY ELEMENT POLICIES:

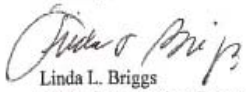
Wastewater

S-46 35) RECOMMENDATION: Page PF-27, add policy PF-F.15. "Upgrade Pt. Loma Wastewater Treatment Plant from advanced primary to secondary to comply with the Clean Water Act."

CONCLUSION

The San Diego Chapter of the Sierra Club very much appreciates your consideration and incorporation of the above recommended improvements and additions to the policies of the General Plan Conservation Element and Public Facilities Element. If you have any questions or would like additional information, please do not hesitate to contact me at (619) 528-8545.

Sincerely,



Linda L. Briggs
Chair, Conservation Committee
Sierra Club, San Diego Chapter

S-44 General principles to prevent pollution associated with runoff (including agricultural activities) are outlined under Section E of the Conservation Element. Specific regulations and standards governing the control of agricultural pollutants within Water Department owned lands are found in the City's *Urban Runoff Management Program* (see Section 2.3, City-Owned Leased Properties), the San Diego Municipal Code §43.0301 et seq, (Chapter 4, Article 3, Division 3: Storm Water Management and Discharge Control) and the City's Storm Water Standards (Revised May 30, 2003). It should also be noted that the Regional Water Quality Control Board (RWQCB) also regulates discharges associated with agricultural activities through the Waste Discharge Requirements (WDRs) program and the National Pollutant Discharge Elimination System (NPDES) permit process. A forty-foot buffer may not be feasible in all areas (thus requiring other effective measures), and in some areas a forty-foot buffer may not be enough to protect resources. Staff evaluates resource protection measures on a project-by-project basis.

S-45 This recommendation is addressed in both Policies CE-N.1 and CE-N.9. To address state legislation, Policy CE-N.1 has been revised to read "Utilize state and local legislation to continue to expand City programs that create and sponsor….."

S-46 See response to comment S-3.